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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention

METHOD AND APPARATUS FOR MEASURING LOADING OF
WATERPROOFING AGENT IN CARBON SUBSTRATE

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/644,072, filed on _____,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Hong Cao

Citizen of: Canada

Signature: Hong Cao

Date: Sept. 18, 2003

Inventor two: Juergen Stumper

Citizen of: Germany

Signature: Juergen Stumper

Date: Sept 25, 2003

Inventor three: David S. De Haan

Citizen of: United States

Signature: David S. De Haan

Date: September 18, 2003

Inventor four: _____

Citizen of: _____

Signature: _____

Date: _____

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 130109.497

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PTO/SB/81 (10-00)

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**ELECTION AND POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	10/644,072
Filing Date	August 18, 2003
First Named Inventor	Hong Cao
Group Art Unit	
Examiner Name	
Attorney Docket Number	130109.497

I hereby appoint:

Customer Number

☒ Practitioners at Seed IP Law Group PLLC

00500

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Firm or
Individual Name

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

SIGNATURE of Applicant or Assignee of Record

Name	Noordin S.K. Nanji – Vice-President, Corporate Strategy and Development
Signature	
Date	29-Sept-03
Name	Dave Smith – Chief Financial Officer
Signature	
Date	September 29, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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PTO/SB/96 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Hong Cao et al.Application No./Patent No.: 10/644,072 Filed/Issue Date: August 18, 2003Entitled: METHOD AND APPARATUS FOR MEASURING LOADING OF WATERPROOFING AGENT IN CARBON SUBSTRATEBallard Power Systems Inc.

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

29-Sept-03

Date

Noordin S.K. Nanji

Typed or printed name

Telephone Number_____
SignatureVice-President, Corporate Strategy and Development

Title

September 24, 2003

Date

Dave Smith

Typed or printed name

SignatureChief Financial Officer

Title

ASSIGNMENT

COPY

WHEREAS, we, **Hong Cao**, having a mailing address of 204 – 7107 Fulton Avenue, Burnaby, British Columbia, Canada V5E 3H3; **Juergen Stumper**, having a mailing address of 3538 Copley Street, Vancouver, British Columbia, Canada V5N 5B2; and **David S. De Haan**, having a mailing address of 7069 McBride Street, Burnaby, British Columbia, Canada V5E 1R1 (hereinafter referred to as ASSIGNORS) are the joint inventors of an invention entitled “**METHOD AND APPARATUS FOR MEASURING LOADING OF WATERPROOFING AGENT IN CARBON SUBSTRATE**,” as described and claimed in the specification for which an application for United States letters patent was filed on August 18, 2003 and assigned Application No. 10/644,072.

WHEREAS, **Ballard Power Systems Inc.** (hereinafter referred to as ASSIGNEE), a corporation of Canada having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

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States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

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Sept. 18. 2003 Hong Cao
Date Hong Cao

Province of British Columbia)
) ss.
Country of Canada)

I certify that I know or have satisfactory evidence that Hong Cao is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Sept 18, 2003
Signature of [Signature]
Notary Public
Printed Name VICTOR Tuomi

My appointment does not expire.

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Y

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Sept 25, 2003
Date

Juergen Stumper
Juergen Stumper

Province of British Columbia)
Country of Canada)

ss.

I certify that I know or have satisfactory evidence that Juergen Stumper is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 25 Sept 03
Signature of [Signature]
Notary Public
Printed Name KERRY B. HILLIER

My appointment does not expire.

COPY

COPY

September 18, 2003
Date

David S. De Haan
David S. De Haan

Province of British Columbia)
Country of Canada)

ss.

I certify that I know or have satisfactory evidence that David S. DeHaan is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Sept 18, 2003

Signature of Notary Public Victor Tuomi

Printed Name VICTOR TUOMI

My appointment does not expire.

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